

COUNCIL MEMBERS:

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
Vice Mayor					Mayor	



AMENDED MINUTES
Meeting of the Twin Falls City Council
Tuesday, September 2, 2014
City Council Chambers
305 3rd Avenue East -Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
PROCLAMATION: None

GENERAL PUBLIC INPUT

AGENDA ITEMS

I. CONSENT CALENDAR:

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| <ol style="list-style-type: none"> 1. Request to approve the Accounts Payable for: August 19-September 2, 2014 2. Request to approve the Twin Falls High School Homecoming Parade to be held on Friday, September 12, 2014, at 4:00 P.M. on Main Avenue. 3. Request to approve a Snake Harley-Davidson Customer Appreciation Concert to be held on Friday, September 19, 2014. 4. Request to approve the Findings of Fact, Conclusions of Law, and Decision for: <ol style="list-style-type: none"> a. Appeal of Special Use Permit (Denied) application for Gary Asher, applicant. b. Annexation Application for the Twin Falls School District/City of Twin Falls. 5. Request to approve the City Council Minutes for July 21, 2014, July 28, 2014, August 4, 2014, and August 11, 2014. | <p><u>Purpose:</u></p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> | <p><u>By:</u></p> <p>Sharon Bryan</p> <p>Ryan Howe</p> <p>Dennis Pullin</p> <p>Mitchel Humble</p> <p>Leila A. Sanchez</p> |
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II. ITEMS FOR CONSIDERATION:

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| <ol style="list-style-type: none"> 1. Swearing in ceremony for two new Twin Falls Police Department Police Officers and Mayor Don Hall to administer the Oath of Office to Officers Kyle Skuza and Jacob Olson. 2. Presentation of a Certificate of Appreciation to Jim O'Donnell for serving on the Airport Advisory Commission. 3. Request from Jim O'Donnell on behalf of the Magic Valley Air Show to waive public safety fees (police and fire) charged by the City of Twin Falls. 4. Request to approve an FAA Grant Offer for AIP 36, Architectural Services for the Terminal Modification Project in the amount of \$380,174. 5. Request to approve an agreement for Design, Bidding, and Construction Services with CSHQA Architects for the FAA Terminal Modification Project. 6. Request from Nate Stinson to waive the non-conforming building expansion permit process for a home located at 311 Falls Avenue West. 7. Request to adopt an Ordinance for a Zoning District Change & Zoning Map Amendment to rezone 6.927 (+/-) acres from R-1 VAR to SUI for property located west of 3236 Addison Avenue East. 8. Request to award a bid to construct the Pillar Falls and the Knievel sections of the Snake River Canyon Rim Trail to Idaho Sand & Gravel. 9. Discussion on current City sanitation process. 10. Formation of City Council committee to complete the annual performance evaluation of the City Manager and City Attorney. 11. Public input and/or items from the City Manager and City Council. | <p><u>Purpose:</u></p> <p>Action</p> <p>Presentation</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Discussion</p> <p>Action</p> | <p><u>By:</u></p> <p>Brian Pike
Don Hall</p> <p>Bill Carberry</p> <p>Jim O'Donnell</p> <p>Bill Carberry</p> <p>Bill Carberry</p> <p>Mitchel Humble</p> <p>Mitchel Humble</p> <p>Dennis Bowyer</p> <p>Lorie Race</p> <p>Don Hall</p> |
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III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: **6:00 P.M.**

- | | | |
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| <ol style="list-style-type: none"> 1. Request from the YMCA to increase rates at the City/YMCA Swimming Pool. 2. Request for the City Council's recommendation on the Vacation of two platted Ditch and | <p>PH/Action</p> | <p>John Pauley</p> |
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Utility Easements on property located at 2733 Skyline Drive in the Area of Impact. 3. Request for an amendment to Twin Falls Vision 2030- A Comprehensive Plan to expand and clarify the depth of the commercial/retail corridor along the north side of a portion of Kimberly Road and to amend the water service boundary area to include that portion of Kimberly Road being proposed with this amendment for property within the City's Area of Impact.	PH/Action PH/Action	Jenna & Blake Johnson Bradford J. Wills
V. ADJOURNMENT: 1. Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

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Present: Suzanne Hawkins, Jim Munn, Shawn Barigar, Chris Talkington, Greg Lanting, Don Hall, Rebecca Mills Sojka

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Attorney Shayne Nope, Chief Finance Officer Lorie Race, Police Chief Brian Pike, Staff Sergeant Dennis Pullin, Sergeant Ryan Howe, Airport Manager Bill Carberry, Parks & Recreation Director Dennis Bowyer, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag. A quorum was present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATION: None

GENERAL PUBLIC INPUT

Paul Ostyn, resident of Twin Falls, gave the following suggestions for Baxter Park:

Create a dog run along and near the inner fence chips/sand.

Divide the meet and greet entry pen for large and small dogs

Grass is tall and should be mowed lower

Encourage people to contribute to the dog park

Place a shelter and plastic chairs

Sprinklers need to be adjusted to not come on during the day

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Request to approve the Accounts Payable for: August 19-September 2, 2014, total: \$683986.67; Fire Payroll August 29, 2014, total: \$50,620.19; Payroll August 29, 2014, total: \$21,109.88; Payroll, August 20, 2014, total: \$880.01.
2. Request to approve the Twin Falls High School Homecoming Parade to be held on Friday, September 12, 2014, at 4:00 P.M. on Main Avenue.
3. Request to approve a Snake Harley-Davidson Customer Appreciation Concert to be held on Friday, September 19, 2014.
4. Request to approve the Findings of Fact, Conclusions of Law, and Decision for:
 - a. Appeal of Special Use Permit (Denied) application for Gary Asher, applicant.
 - b. Annexation Application for the Twin Falls School District/City of Twin Falls.
5. Request to approve the City Council Minutes for July 21, 2014, July 28, 2014, August 4, 2014, and August 11, 2014.

MOTION:

Councilmember Lanting moved to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Swearing in ceremony for two new Twin Falls Police Department Police Officers and Mayor Don Hall to administer the Oath of Office to Officers Kyle Skuza and Jacob Olson.

Chief Pike gave the presentation and Mayor Don Hall administered the Oath of Office.

2. Presentation of a Certificate of Appreciation to Jim O'Donnell for serving on the Airport Advisory Commission.

Airport Manager Carberry stated that on behalf of the Airport Advisory Board staff recommends City Council honor Jim O'Donnell for his service to the Airport Advisory Board.

Mayor Hall and Councilmember Talkington presented the plaque to Mr. O'Donnell.

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3. Request from Jim O'Donnell on behalf of the Magic Valley Air Show to waive public safety fees (police and fire) charged by the City of Twin Falls.

City Manager Rothweiler explained the request to waive costs for Police and Fire Services. He stated that historically fees have been waived as part of the City's contribution to the community event. In the past City staff handled the accounting but in 2012, the Air Show was made a 501 3 C status, making it a standalone entity and no longer under the jurisdiction of the City. Since this is a separate entity staff believes it is appropriate for the Council to consider the request.

Jim O'Donnell explained the request to waive public safety fees (police and fire) charged by the City of Twin Falls.

Council discussion followed.

-Financials

Jim O'Donnell stated that the Air Show is in the hole. Attendance was down significantly. Four sponsors have not paid.

Councilmember Mills Sojka stated that since the loss in 2008 there was an agreement with the Council and the Airshow that the taxpayers would not be responsible for any losses because this is a separate entity and a separate event. On the front end when the event came through there was an agreement that the Air Show would be responsible for paying for safety and fire costs. She asked for a breakdown of services of the \$3,000.

Jim O'Donnell stated that services were provided by City of Twin Falls, Magic Valley Paramedics and Twin Falls County Sherriff's Department.

City Manager Rothweiler stated that \$800 of the \$3,000 is associated with law enforcement and the balance is associated with the fire response discussed by Jim O'Donnell. For the record it is his understanding that in addition to the City's service individuals from the Sherriff's Department and EMS also participated and provided a service for the Air Show.

Jim O'Donnell stated the Sherriff's Department and EMS waived their fees.

MOTION:

Vice Mayor Hawkins moved to approve the request from the Magic Valley Air Show to waive public safety fees for both police and fire. The motion was seconded by Councilmember Lanting.

Discussion followed.

-Waiving overtime fees for nonprofits

-Determination for which groups the fees are waived

Chief Pike stated that it is not unusual for Council to waive fees for nonprofits. Fees for Western Days and the Homecoming Parade have been built into the Police Department's overtime budget. At one point the Council made a decision, such as for Western Days, to absorb fees into the budget. Other requests go through a different process which was established years ago by agreement of the Council.

He continued to explain the Special Events Application process in which a group of city employees meet s to evaluate the impact of the event on the City and the surrounding neighborhood. If the applicant is required to provide security they have several options which may include using the Sherriff's Reserve Program and Twin Falls Police Officers. The decisions made by the group are based on the past history of the event.

Councilmember Talkington stated that the Air Show that made money through the 501 3 C had the Blue Angels perform. They have been sequestered and are potentially coming back.

Councilmember Talkington stated that as Jim O'Donnell stated, attendance was low. Jim O'Donnell kept costs down and if not for leadership this year the expense side would balloon significantly more. It is not uncommon for fees to be waived for nonprofits.

Councilmember Barigar stated that the Air Show is a community wide function hosted at a facility which is shared by the County. The service provided by Police and Fire are services that would be required from whoever was hosting the event. He agrees that in the future the request from Mr. O'Donnell would be settled prior to the event. He is in favor of the request.

Councilmember Mills Sojka stated she supports the Air Show but is concerned about using tax dollars to support an event that is losing money. The event is not open to the public but is based on a ticketed admission. She has not seen the events financial statements to see where money was spent. Air Magic Valley is its own organization separate from the City and she

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does not feel it is the City's place to come in and take on a portion of those losses. The agreement was that they would cover their fire and safety costs. The taxpayers took the loss in 2008. In 2012, a profit was made of \$45,000, and instead of paying back those losses, the Council allowed the Air Show to keep the seed money. She supports the Air Show but cannot support the request.

Councilmember Lanting stated that he has never seen the financials of Western Days. He is in favor of the motion.

Vice Mayor Hawkins stated that as elected officials, Councilmembers take requests one on one and at their face value. The Air Show is a big part of the community and the Airport and Airport Board show their support by being involved in the event. If the request had been made at the front end, she believes the request would have been approved without any hesitation. She is in favor of the request

Councilmember Munn stated that he understands that in the past the City waived the events fees but in the future payment of fees needs to be discussed on the front. He is in favor of the request this time.

Roll call vote showed Councilmembers Hawkins, Munn, Barigar, and Talkington, Lanting and Hall voted in favor of the motion. Councilmember Mills Sojka voted against the motion. Approved 6 to 1.

Mayor Hall requested a staff report of the fees waived.

4. Request to approve an FAA Grant Offer for AIP 36, Architectural Services for the Terminal Modification Project in the amount of \$380,174.

Airport Manager Carberry explained the request.

On July 14, 2014, the City Council reviewed the results of the Terminal Phase I feasibility study and gave staff direction to move forward with developing a contract with the Architect Martin Hahle of CSHQA for the remaining phases of the project to include the design, bidding, and construction services.

The contract for the architect's services for the project is \$386,886.75 The FAA deemed 91.77% of the construction space eligible for AIP funding and thus the same percentage of the contract is eligible for the grant. The grant offer from the FAA covers 93.75% of eligible cost. The remaining funding will come from the local match/PFC fund.

Staff recommends the Council approve acceptance of the FAA AIP 36 Grant Offer in the amount of \$380,174.00 and authorize the Mayor to sign the grant offer.

MOTION:

Councilmember Talkington moved to approve the FAA Grant Offer for AIP 36, Architectural Services for the Terminal Modification Project in the amount of \$380,174. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Request to approve an agreement for Design, Bidding, and Construction Services with CSHQA Architects for the FAA Terminal Modification Project.

Airport Manager Carberry explained the request.

Based on review of the contract proposal and the independent free estimate with the FAA project manager, staff finds the fee reasonable and recommends the City Council approve the agreement for architectural and engineering services with CSHQA in the amount of \$386,886.75, contingent upon FAA occurrence with available funding.

MOTION:

Councilmember Talkington moved to approve agreement for Design, Bidding, and Construction Services with CSHQA Architects for the FAA Terminal Modification Project in the amount of \$386,886.75. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

6. Request from Nate Stinson to waive the non-conforming building expansion permit process for a home located at 311 Falls Avenue West.

Community Development Director Humble reviewed the request.

The home is located in the R-4 Zoning District. Falls Avenue West is a major arterial and has a minimum building setback of 80' from centerline. The existing home is located within the centerline setback. Per City Code Title 10; Chapter 4; Section 5.3 the current structure is non-conforming as it stands at 70' from centerline, thus encroaching approximately 10'. It was determined the

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proposed addition meets the required 5' side and 20' rear building setbacks, and will not expand the non-conforming portion of the home further into the front yard setback.

Staff recommends that the Council review and act on the request to waive the non-conforming building expansion permit process for a home located at 311 Falls Avenue West.

Discussion followed.

-Side yard setbacks

Nate Stinson, applicant, stated he notified his neighbor to the west of his property of the proposed request.

MOTION:

Councilmember Lanting moved to approve the request to waive the non-conforming building expansion permit process for a home located at 311 Falls Avenue West to add a 144 sq. ft. bathroom. The motion was seconded by Councilmember Barigar. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

7. Request to adopt an Ordinance for a Zoning District Change & Zoning Map Amendment to rezone 6.927 (+/-) acres from R-1 VAR to SUI for property located west of 3236 Addison Avenue East.

Community Development Director Humble reviewed the request.

On May 05, 2014, the City Council unanimously recommended approval of the request as presented and on July 23, 2014 the Board of County Commissioners approved the request to rezone 6.927 (+/-) acres from R-1 VAR to SUI for property located west of 3236 Addison Avenue East within the City's Area of Impact as presented. Staff has prepared an ordinance for Council's approval this evening. Staff recommends the City Council adopt the ordinance so it can be published and codified.

Discussion followed.

-Connection to city sewer and water services

Community Development Director Humble stated that the applicant would not be allowed to connect onto City services because they are not in the water service boundary. If a septic system fails on a property located in the area of impact and falls within 1,000 feet of the City's water and sewer systems the homeowner will be required to hook up to city services.

-Application to the new school that is outside the water boundary

Community Development Director Humble stated the City will not be able to offer city services unless there is a change to the water boundary.

-Rezoning property from R1 Variable to SUI related to access to Falls East

Community Development Director Humble explained the platting process.

MOTION:

Councilmember Lanting moved to suspend the rules and place Ordinance 3079 on third and final reading by title only. The motion was seconded by Councilmember Munn. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Sanchez read Ordinance 3079 by title only: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

MOTION:

Vice Mayor Hawkins moved to adopt Ordinance 3079. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

8. Request to award a bid to construct the Pillar Falls and the Knievel sections of the Snake River Canyon Rim Trail to Idaho Sand & Gravel.

Parks & Recreation Director Bowyer reviewed the request.

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Staff recommends that the Council award the bid to construct the Pillar Falls and the Knievel trail sections to Idaho Sand & Gravel in the amount of \$88,973. This bid is for the construction of the trails. It does not include the fencing for either trail section. The fence estimates are just under \$30,000. After the construction of the trails is complete, City staff will hire a fencing company to install the fencing on both new sections of the trail system.

There is \$208,000 in the current budget for trail improvements. The Twin Falls Community Foundation has committed \$10,000 and the Magic Valley Trail Enhancement Committee has committed \$7,500 for the Pillar Falls trail section. Along with the grant funding of \$44,815, the cost to the City will be approximately \$27,000 for two trail sections.

Discussion followed.

- Repair estimates for trail adjacent to Canyon Crest
- Bid estimates
- Knievel safer trail than walking Canyon Springs Road
- Remaining \$200,000

Tim Vawser stated that the Engineer's estimate was \$1,000 under the low bid.

City Manager Rothweiler stated that the funds that do not have restrictions will revert back to capital fund cash reserves at the conclusion of the fiscal year. State Code states that any unspent funds or funds that are not committed on September 30, will revert back to the City's cash reserves. When worthy projects come up presentations will be made to the Council to request utilization of funds.

MOTION:

Councilmember Barigar moved to award the bid to construct the Pillar Falls and the Knievel sections of the Snake River Canyon Rim Trail to Idaho Sand & Gravel in the amount of \$88,973. The motion was seconded by Councilmember Mills Sojka. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

9. Discussion on current City sanitation process.

Chief Finance Officer Race gave the presentation. During the budget process, staff was directed to meet with PSI and discuss options that might be available for changes to the current unlimited trash service. Staff was asked to investigate the use of a smaller cart by some citizens. A meeting was held with Les Reitz and Kevin Malone with PSI. Kevin Malone will present the information discussed at the meeting.

Kevin Malone reviewed the outcome of the route audit done in June 2014, using overhead projections.

City Manager Rothweiler explained that on June 10, there were 34 incidents in which a resident placed a bag and/or a receptacle out for pickup.

Chief Finance Officer Race stated that there are no changes in route costs when changing over to a 65 gallon cart from a 96 gallon cart. PSI's contract basically will remain the same with the exception of the purchase of new 65 gallon carts which would be amortized over ten years. Residents using a 65 gallon cart will pay less. Currently \$10.14 is paid to PSI and \$3.75 is charged to customers for landfill and for options, with the cost totaling \$13.89. Residents using the 65 gallon cart would pay less than the \$13.89. Residents using the 96 gallon cart would be making up the difference and paying more than the current charge. Street sweeping and administration costs would remain the same.

An issue that also was discussed was the potential of illegal dumping which would increase the demand and cost for Code Enforcement.

City Manager Rothweiler discussed the amortizing costs for the 65 gallon carts over a 4 and 10 year period.

Discussion followed.

- Requests for smaller containers came from single seniors
- Residents grandfathered in to a one can rate
- Costs shifted to residents using a 96 gallon cart
- Using a 65 gallon can and eliminating unlimited pickup
- Additional recycling receptacles, through PSI, are available at a cost of \$2.06

Kevin Malone stated that private customers typically have more land where they can dump grass clippings, etc. or burn it in rural area. In the rural areas PSI charges \$5 a bag.

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Councilmember Lanting stated that Arizona requires that the lid fit down on the can and costs are higher. He struggles to shift costs to those using the 96 gallon cart.

Councilmember Talkington stated that he can make the argument that the rate is set up wrong, and those less volume metric users are being overcharged.

Councilmember Barigar stated he does not understand the argument that the rates are higher than they should be. The math works out to what it costs the City for the service for PSI and the cost for dumping at the landfill.

Discussion followed.

-Update on the yard waste

Mayor Hall stated that he applauds the efforts of Chris Talkington to decrease costs for those dumping less trash.

Kevin Malone stated that he has been working with Josh Bartolome, Southern Idaho Solid Waste, on yard waste. He explained alternatives to disposing of yard waste.

-Disposal of yard waste by commercial users

-Landfill fixed costs

MOTION:

Councilmember Talkington moved to approve on a one year trial basis Option 2, where customers using the 65 gallon containers would be charged \$9.87 a month and customers using the 96 gallons containers would be charged \$14.70 a month and those 2,039 potential customers would be on a first come, first served application. The motion was seconded by Councilmember Lanting.

Kevin Malone stated that the 65 gallon receptacle, at his cost, is \$55/each at a total cost of \$112,000 for 2,039 containers.

Mayor Hall stated for the record that he appreciates the motion and the direction and sentiment behind it but cannot support it.

Roll call showed Councilmember Talkington voted in favor of the motion. Councilmembers Hawkins, Munn, Barigar, Lanting, Hall, and Mills Sojka voted against the motion. Failed 1 to 6.

City Manager Rothweiler reported that the Fireman’s Ball will be held on Saturday, September 13, 2014, at 6:30 p.m.

City Manager Rothweiler reported that citizens will see a reduction in property tax this upcoming year. The tax rate will decrease from \$7.86 to \$7.79. There will be an increase to the homeowner’s exemption.

Recess at 6:57 p.m.

Reconvened at 7:06 p.m.

IV. PUBLIC HEARINGS: 6:00 P.M.

- 1. Request from the YMCA to increase rates at the City/YMCA Swimming Pool.

John Pauley, Aquatics Director, gave the presentation. He discussed the need for the two lifeguard system and the costs associated with the system.

He reviewed the following

Daily Admission Fees (includes sales tax)

<u>Categories</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Percentage Increase</u>	<u>Maximum Rate</u>
3 and under	\$2.00	\$2.50	25.00%	\$3.00
Ages 4-17	\$3.00	\$3.50	16.67%	\$4.50
Adults	\$4.00	\$4.50	12.50%	\$6.00

Monthly Pool Passes (does not include sales tax)

<u>Categories</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Percentage Increase</u>	<u>Maximum Rate</u>
Youth (8-17)	\$21.00	Same rate	0%	\$29.50
Adult	\$22.50	\$23.99	6.62%	\$31.50
Family	\$27.50	\$29.99	9.05%	\$38.50

Annual Pool Passes (does not include sales tax)

<u>Categories</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Percentage Increase</u>	<u>Maximum Rate</u>
Youth (8-17)	\$170.00	Same rate	0%	\$237.50
Adult	\$184.91	\$200.00	8.16%	\$260.00
Family	\$250.00	\$275.00	10.00%	\$350.00

Joiner Fee (does include sales tax)

<u>Categories</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Percentage Increase</u>	<u>Maximum Rate</u>
Youth (8-17)	\$25.00	Same rate	0%	\$50.00
Adult	\$25.00	Same rate	0%	\$50.00
Family	\$25.00	\$35.00	40.0%	\$50.00

Discussion following.

- Average lifeguard rate: \$7.75 to \$8.50 an hour
- Government regulates mechanical equipment

City Manager Rothweiler stated that the YMCA operates the pool and are requesting support to its operations. It has been noted that the Parks & Recreation Advisory Commission supports the request.

Mayor Hall opened the public testimony portion of the hearing. He submitted a letter for the record from Bret Belnap.

Mayor Hall closed the public testimony portion of the hearing.

John Pauley addressed the letter submitted for the record by Bret Belnap and explained the various ways they are keeping costs down.

- Lifeguards and swim instructors
- Subsidize swim lessons
- YMCA Scholarship fund

Mayor Hall closed the public hearing.

MOTION:

Councilmember Talkington moved to accept the request as recommended by the Parks & Recreation Commission to increase rates to the City/YMCA City Pool as promoted and as advertised in Resolution 1931. The motion was seconded by Councilmember Munn. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Request for the City Council's recommendation on the Vacation of two platted Ditch and Utility Easements on property located at 2733 Skyline Drive in the Area of Impact.

Gemma Johnson explained the request. On overhead projection she showed the location of the power pole. The request is to extend to the north end of the building approximately 15' off the existing building for a covering for hay and horse stall. They have no intention of touching the south end of the building. There is a small greenhouse and small shop house area which is attached to the existing two car garage. The garage door is 6' tall and built with supporting beams inside the garage. The request is to make the garage itself more functional to pull vehicles in. The shop and the greenhouse are the most functional part of the building.

Planner I Spendlove reviewed the request.

This lot was created with the Skyline Acres Subdivision in 1963. A single family dwelling was believed to have been constructed on the property in 1972; it is believed the accessory structure was built in this same year or shortly thereafter. The accessory building was constructed on a platted easement both on the West and the South property lines. In early 2003, the Johnsons extensively remodeled the existing single family dwelling into the way it stands today. The accessory building was not part of that permit, and was not evaluated for compliance at that time.

In June 2014, the city received a building permit to remodel an existing accessory structure. During the permit review it was revealed that the existing structure was built on the platted easements. Staff has since worked with the owner to offer solutions and direction to rectify the situation.

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This is a request to vacate a 15' x 465.3' (6979.5 sf) easement on the West property boundary and a 15' x 265.3' (3979.5 sf) easement on the South Property boundary. These easements are stated on the plat to be for "Ditch and Utility." The intent is to vacate these easements to bring an existing garage into compliance due to it currently being located over a portion of both easements. The extents of the encroachment on the easements are unknown at this time.

The applicant applied for a special use permit in conjunction with this vacation in order to add onto the garage creating a structure in excess of the maximum allowed 1500 sf. On August 12, 2014 the Planning & Zoning Commission granted the special use permit subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to approval and recordation of the easement vacation and its associated conditions prior to issuing of a building permit.

The applicant has stated that no utilities exist in the West easement, and there are multiple utilities existing in the South easement, including Idaho Power and a phone line. Vacation of a platted easement requires approval by each of the applicable utility companies. As of today, the City has received a letter from Idaho Power Company. The Idaho Power letter states they agree to the vacation of the platted utility easement on the westerly boundary subject to retaining their Idaho Power Company easement on the south. There is no mention of the southern utility easement. The City has not received any of the other utility letters from the applicable utility companies stating their approval of the vacation of the easement, but has been told they are coming.

Idaho Power has submitted a letter dated August 29, 2014 stating there are two separate utility easements. One is the platted utility easement and the other one is instrument #641723 recorded October 27, 1972. In the letter it states that this easement would not be released by Idaho Power. It is uncertain where the easement technically is located. It needs to be surveyed as the applicant stated; however, Idaho Power supports vacating the public utility easement although they are not in support of vacating their private personal easement, which means the City needs both of those vacated to have the building permit released.

Discussion followed.

- Information letters have not been received from Canal Company and Century Link
- Idaho Power will not vacate their private easement on the south, but they have discussed modifying it
- Title search, survey, GIS Review

Mayor Hall opened up the public testimony portion of public hearing and closed with no input.

Gemma Johnson explained she has been working with Idaho Power the past three months and has spent \$3,000 in the process. The Canal Company letter has been received.

- Property incorporated in the area of impact in 1981

Mayor Hall closed the public hearing.

MOTION:

Councilmember Lanting moved to recommend to the County Commissioners the vacation of the two platted Ditch and Utility Easements on the 15' x 465.3' and (15' x 265.3' on property located at 2733 Skyline Drive in the Area of Impact on property as presented and conditions placed by the Planning & Zoning Commission and resolution is reached with Idaho Power concerning the power pole on their private easement. The recommendation will not be forwarded to the County Commissioners until all utilities have submitted letters with their approval.

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.

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3. Subject to approval and recordation of the easement vacation and its associated conditions prior to issuing of a building permit.

The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Request for an amendment to Twin Falls Vision 2030- A Comprehensive Plan to expand and clarify the depth of the commercial/retail corridor along the north side of a portion of Kimberly Road and to amend the water service boundary area to include that portion of Kimberly Road being proposed with this amendment for property within the City's Area of Impact.

Brad Wills, 222 Shoshone Street West, representing the applicant, explained the request.

The purpose of the request is to amend the Comprehensive Plan by clarifying and expanding the dimensions of the Commercial/Retail area on the north side of Kimberly Road starting at 3300 E and continuing west approximately three quarter of a mile. The other part of this request is expanding the water service boundary.

The applicant discussed other areas in the City where commercial properties border residential, where and how he envisions growth happening in this particular area of Twin Falls, and the need for a larger area of potential commercial areas along Kimberly Road to fully utilize the property.

Question and discussion about the Water System, current and future facilities, whether it would be gravity fed or pressurized.

Discussion followed.

-Costs associated to extend the water line boundary, and the facilities that would potentially be needed

Brad Wills stated he has contacted the surrounding property owners Dr. Kach and Dr. Marilyn Righetti.

Planner I Spendlove reviewed the request.

The current Comprehensive Plan Twin Falls Vision 2030 was approved by the City Council in February 2009. This plan was an entire re-drafting of the Comprehensive Plan and collectively replaced the previous plan from 1993-1994.

This request has two parts – 1) the first part is to expand the Water Service Boundary, identified in Twin Falls City Comprehensive Plan Vision 2030. The boundary currently ends at the NE corner of the intersection of 3200 E Road aka Hankins/Kimberly Road. The request is to add an area approximately 1320' deep from the existing corner of Hankins/Kimberly Rd to the NW corner of the intersection of 3300 E Road aka Champlin Road/Kimberly Road. 2) the second part of the request is to amend the Future Land Use Map by expanding the Commercial/Retail designated area along Kimberly Road. Currently, the commercial/retail area designated as appropriate for commercial/retail development is approximately at a depth of 660', as shown on the exhibit. The remaining mile section north of the current commercial/retail designated area is designated appropriate for Agricultural development. The applicant wishes to replace the AG designation and expand the Commercial/Retail designated area by adding approximately 760', for a total commercial/retail corridor of 1,320 ft, thereby creating a deeper commercial/retail designated area. The total area being requested for change is (+/-) 66 Acres and is located North of Kimberly Road between Hankins Road (3200 East) and Champlin Road (3300 East). The specific area is defined by the supporting maps provided within this report as attachments #1 and #2.

This area described by the applicant is currently Zoned R-1 VAR PUD, R-2, and C-1 and is within the Area of Impact. The area along Kimberly Road currently has a couple of residences with the remaining land being farmed.

According to the applicant, he feels a depth of 1320 feet along major arterials is needed to fully develop commercial properties to their full potential. For this reason, the applicant is requesting the current Commercial/Retail area north of Kimberly Road be extended an additional 760 feet. The applicant claims this Commercial/Retail area would be an effective buffer between the Industrial area across Kimberly Road to the south, and the Agricultural and Residential areas to the north.

The requested change from Agriculture to Retail/Commercial will be a dramatic shift in potential development for this area. The Comprehensive Plan has very different descriptive paragraphs for Agriculture and Commercial/Retail designations. Copies of each designation description are provided in this report for your reference as Attachment #4.

The Agriculture Designation was designed to preserve farm ground and direct development inward towards the corporate City Limits. In this particular area, it was designed to direct development toward the Major Arterial Roadway/Hwy 30/Kimberly Road to the south.

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The Commercial/Retail Designation is designed to allow large scale commercial, retail, light industrial, office park, and similar uses. This particular Commercial/Retail designation area was placed along Kimberly Road with the intention to allow development along that corridor to continue as it has for a number of years. With the recent additions of Chobani and the future addition of Clif Bar, this historically major thoroughfare will continue to develop as a major corridor for Commercial and Industrial traffic.

It is known that large tracts of available commercial property in these locations are limited due to recent major Industrial Projects. Attempting to conclusively predict the impact of changing the Comprehensive Plan and Future Land Use Map in this area from Agriculture to Commercial/Retail designations and expanding the water service boundary area is a very difficult task. It is safe to assume that the general area has become increasingly commercial in nature along the corridor, and that these changes will have ancillary effects in the form of secondary businesses associated with these new Industrial users. In no way does changing the Water Service Boundary guarantee the City Services for these properties.

Conclusion:

On July 22, 2014 the Commission held a public hearing on the request. Three people spoke against the request stating commercial encroachment was not appropriate adjacent to existing farm ground. One person stated as there is already a plan to have a public review of the Comprehensive Plan in the current proposed budget and it may be appropriate to review this idea at that time.

Upon conclusion of the public portion of the hearing and after deliberations Commissioner Derricott made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Woods seconded the motion.

Commissioner Woods, Grey, Boyd, Reid, Higley and Tatum voted against the motion and Commissioner Derricott voted in favor of the motion. Recommended For Denial 6-1 To The City Council, As Presented.

The Council may recommend approval of this request, recommend changes to the request, or recommend denial of this request. As this property is in the Area of Impact the recommendation of the Council will then be forwarded to the Board of County Commissioners for a decision.

Discussion followed.

-Property taxes

-Infrastructure

Mayor Hall opened the public testimony portion of the hearing.

Mike Thompson, 3304 Prairie Ridge Lane, stated his concern on how this would impact his property and if there is a buyer for the property.

Paul Benavidez, 3310 Prairie Ridge Lane, stated he was notified today of the public hearing and his concern is regarding the increase of traffic.

Danae Klimes, 3307 Prairie Ridge Lane, spoke against the request.

Jessica Randall, 3310 Aspen Ridge Circle, stated she was notified today of the public hearing and her concern is regarding property values.

Council discussion followed on extending the 300' boundary.

Jason Stevens 3303 Prairie Ridge Lane, spoke against the request. His concern is the increase of traffic.

Eli Searle, 3306 Prairie Ridge Lane, spoke against the request. He was notified of the public hearing today and his concern is the increase of noise and impact of a future subdivision platted for one acre homes.

Dan Randall, 3310 Aspen Ridge Circle, spoke against the request and stated his concern of the increase of traffic.

Ken Stogsdill, 3302 Prairie Ridge Lane, spoke against the request. His concern is the increase of traffic.

Jerry Lizardo, 3311 Aspen Ridge Circle, spoke against the request. He stated he was notified of the public hearing today.

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Kristi Fehringer 3308 Prairie Ridge Lane spoke against the request. Her concern is the increase of traffic and moving a boundary to create an area that is more marketable.

Stacy Searle, 3306 Prairie Ridge Lane, stated her concern of increase of traffic, safety, and property value.

Jill Skeen, 3300 Road, spoke against the request. She was a member of the 2009 Comprehensive Plan committee that met for months and part of it was to have Ag a buffer between commercial and residential. She is not in favor of a new Comprehensive Plan. She is concerned of the lack of notification not only to her but to the Kimberly Councilmembers. Her quality of life has been affected because of the factories. She does not believe someone should personally and financially profit from the request.

Rod Kack, 3835 N 3300 East Kimberly, spoke against the request. Mr. Wills called notified him one week prior to the Planning & Zoning Commission meeting. He did not receive a notice in the mail. The problem isn't what happens when the area is rezoned but the problem is what comes afterwards. Chobani has propounded a visual impact on the neighborhood. Approval of the request changes the character of the rural residential area, and according to Mr. Wills at the last meeting, devalue property.

Stephanie Lizardo, 3311 Aspen Ridge Circle, spoke against the request.

McKenzie Thompson, 3306 Aspen Ridge Circle, spoke against the request.

Danae Klimes, 3307 Prairie Ridge Lane, she stated she received notification notices but asked for clarification of the process.

Mayor Hall closed the public testimony portion of the hearing.

Discussion followed.

Mayor Hall stated that the notification process was met.

City Manager Rothweiler explained staff will review expanding the 300' rule regarding the notification process.

Councilmember Talkington asked the City Attorney that should the Council amend the 2030 Comp Plan per the request, would this be identified as a commercial retail as an intended zone and if the request is approved would the City be obligated to rezone the property as commercial retail.

City Attorney Wonderlich stated that on the future land use map, if also approved also by the County Commissioners, any requested zoning would have to be in conformance with the Comprehensive Plan. The request is to potentially allow a rezone to a commercial

Councilmember Munn asked if the request should be reconsidered in order to contact those living in the area and affected by the request.

Mayor Hall stated that ZOAC discussed the notification process and directed staff to expand the process..

Brad Wills stated there are no buyers or plans for the property. The Future's group developers do not have anything to do with the property. There are probably seven public hearings that would happen prior to anything happening on the land. The Comprehensive Plan is a five year document. Kimberly Road is a commercial corridor and will end up being some type of commercial zone whether its 300' or 660'. C-1 is not industrial or manufacturing. Pole Line Road and Blue Lakes are C-1. 24 people were notified, two with Prairie Ridge addresses. There are no specific plans for this particular property. This is to look at what land is out there and do some long term planning.

Discussion Followed.

- Timing of this request in relation the Comprehensive Plan update
- Comprehensive Plan update process

Mayor Hall closed the public hearing.

Mayor Hall reopened the public hearing;

-Discussion followed.

City Attorney Wonderlich explained options should the Council choose to delay the request.

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Mayor Hall closed the public hearing.

Discussion followed.

-3300 Road - Water line boundary

-Property owner notification

-Farm ground was used to build residential area

Clarification by City Attorney Wonderlich, the Comp Plan is the City's Plan; the County has adopted the City Comp Plan to be used within the Area of Impact. If the City does not change the Comp Plan, it will not be changed, no matter what the County does.

MOTION:

Councilmember Mills Sojka moved to approve in the affirmative the Twin Falls Vision 2030- A Comprehensive Plan to expand and clarify the depth of the commercial/retail corridor along the north side of a portion of Kimberly Road and to amend the water service boundary area to include that portion of Kimberly Road being proposed with this amendment for property within the City's Area of Impact. The motion was seconded by Councilmember Talkington.

Discussion followed.

Councilmember Mills Sojka stated that any rezone has to comply with the Comprehensive Plan, so any change to the Comprehensive Plan wouldn't require a zoning change be made but it opens the door for a zoning change to be made. The Land Use Planning act is clear that commercial development shall not impose on residential. She further discussed costs associated moving the water boundary line.

Vice Mayor Hawkins stated she does want to see Twin Falls to continue to grow and is supportive of the development community. The Comprehensive Plan document was created to be amended. Changes to the document are taken seriously and that is why time was devoted to consider the request. It is appropriate for citizens to come forth to request changes to the document. She is not opposed to amending the Comprehensive Plan, however does not believe this idea for amending the document is the right one. She looks forward to reviewing the water boundary line and excited to update the Comprehensive Plan this year.

Councilmember Barigar stated he is disappointed there is a motion to vote on because it has been made clear there may be a better process. To have a motion and a second is forcing the Council to make a decision tonight without quite all the information needed. He asked if a motion to table is debatable.

City Attorney Wonderlich stated that the Council has not adopted Robert's Rules and it is up to the Council if they choose to debate the motion to table or not. He also clarified that if the motion is denied the request will not go before the County.

Councilmember Barigar stated he has heard opposition to the request but also heard from the public to allow a review of the Comprehensive Plan.

MOTION:

Councilmember Talkington moved to table. The motion was seconded by Councilmember Lanting.

Councilmember Mills Sojka stated she supported the original motion on the floor because it means closure and provides a better answer for everyone who provided input.

Mayor Hall clarified that the motion currently on the floor was to table.

Roll call vote showed Councilmembers Hawkins, Munn, Barigar, Talkington, Lanting and Hall voted in favor of the request. Councilmember Mills Sojka voted against the motion. Approved 6 to 1.

Item for Consideration II.10:

Formation of City Council committee to complete the annual performance evaluation of the City Manager and City Attorney.

Mayor Hall asked for Council input allowing him to form a City Council Committee to begin the annual performance for the City Manager and City Attorney. He would serve on the committee with Vice Mayor Hawkins and Councilperson Talkington.

MOTION:

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Councilmember Barigar moved to allow the Mayor to form a City Council Committee to complete the annual performance evaluation on the City Manager and City Attorney as presented. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Item for Consideration II.11: Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

V. ADJOURNMENT:

1. Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

MOTION:

Councilmember Munn moved to Executive Session 67-2345(1) (c). The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 9:15 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

Leila Sanchez

From: Don Hall
Sent: Tuesday, September 02, 2014 1:58 PM
To: Council; Travis Rothweiler; Leila Sanchez
Subject: Fwd: Pool Fees
Attachments: image001.png; image002.jpg

Leila,

Can you print this off and have it available for the overhead tonight?

Thanks,
Don

Sent from my iPad

Begin forwarded message:

From: Bret Belnap <Bret.Belnap@wafd.com>
Date: September 2, 2014 at 12:44:46 PM MDT
To: "dhall@tfid.org" <dhall@tfid.org>
Subject: Pool Fees

Mr. Mayor,

Please accept this email in place of me being at the meeting to discuss the increase in pool fees. My son is a lifeguard at the pool and I want no repercussions toward him. As you discuss the proposal please take a step back to look at the whole picture away from the Park and Rec dept and the city. The easy answer to address the need of two lifeguards is to raise the fees. It takes little to no effort. The real effort and the one owed to the patrons is to make sure we have "cleaned our own house first". My experience with my son's employment suggests that we need to take a good look at saving money internally before seeking it externally. The pool currently employes about 17 or so lifeguards. Probably enough to staff two at all times. Now I speak to only that which I know and that is my son's experience. He is always looking for additional hours. He gets usually 15 or so a week. When at the pool and not in the lifeguard station rotation he has various other duties to take care of. Cleaning, matience, etc. When those tasks are completed there is a lot of standing around and waiting for your turn on the lifeguard towers. My observation is that we should look at running things if possible a litte leaner and meaner so to speak. Sometimes I think that we create work just to keep people busy. I am not an expert on operating a pool but I do understand managing labor hours. I put little into the reccomendation from Parks and Rec. That is like investigation yourself. Nope, I see nothing here. I ask that this matter be explored further before reaching into the patron's pockets and taking the easy way.

Thanks,
Bret

Bret Belnap
Assistant Vice President/Branch Manager
Twin Falls, Jerome, Gooding
NMLSR #828285



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